

DT 02-115

VERIZON NEW HAMPSHIRE/BROADVIEW NETWORKS, INC.

Order Approving Adopted Interconnection Agreement

O R D E R N O. 24,032

August 9, 2002

On June 11, 2002, Verizon New England d/b/a Verizon New Hampshire and Broadview Networks, Inc. (Broadview) jointly filed with the New Hampshire Public Utilities Commission (Commission) an Interconnection Agreement (Agreement) which had been previously negotiated between Level 3 Communications, LLC and Verizon NH, docketed in DT 01-017, and became effective by operation of law as of April 26, 2001. Dark Air Corporation also adopted the Level 3 Agreement which was approved Nisi by Order 23,898 (March 8, 2002). The Agreement was filed for approval pursuant to section 252(e) of the Telecommunications Act of 1996 (TAct), 47 U.S.C. ' 252(e).

Broadview was granted certification as a Competitive local Exchange Carrier (CLEC) in Docket DT 99-200 by Order No. 23,463 dated May 3, 2002.

This Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by Broadview as a CLEC in New Hampshire. The initial term of the adopted Agreement expires on September 30, 2002.

The Commission Staff has recommended approval of the Agreement between Broadview and Verizon and recommends that the Agreement go into effect immediately because this Agreement is the adoption of an agreement previously approved by Order Nisi in Docket No. DT 02-023 and no comments or request for a hearing were received in that docket.

We have reviewed the filing and find that approval is warranted. As the Agreement is an adoption of an agreement currently in effect, we will accept Staff's recommendation and allow this Agreement to be effective immediately.

We note that Broadview may purchase services or unbundled elements from Verizon's Statement of Generally Available Terms (SGAT) and its subsequent revisions that is in effect per Order No. 22,692, subject to continued review pursuant to Section 252(f)(4) of the TAct.

In order to promote the continued growth of competitive telecommunications services in New Hampshire, we will require Broadview to comply with our notice requirements regarding **A**Fresh Look[®] opportunities. The recommended method for giving notice is to provide the Commission with a contemporaneous copy of the Confirmation of Code Activation form which is used to notify the North American Numbering Code

Administrator.

As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters constantly increasing demand. Accordingly, we will require that Broadview request and use numbers responsibly and conservatively, and invite Broadview to explore alternative mechanisms to use existing numbers as efficiently as possible.

In approving this Agreement, we require Broadview to comply with our orders on number conservation including Order No. 23,385 issued January 7, 2000, and Order No. 23,392 issued January 27, 2000, as well as further orders issued by the Commission concerning this matter.

Based upon the foregoing, it is hereby

ORDERED, that the Interconnection Agreement between Broadview Networks, Inc. and Verizon New Hampshire is APPROVED; and it is

FURTHER ORDERED, that Broadview is required to comply with our Order No. 23,385 issued January 7, 2000, Order No. 23,392 issued January 27, 2000, and further orders issued by the Commission concerning number conservation; and it is

FURTHER ORDERED, that Broadview is prohibited from placing any orders under this Agreement and from otherwise

doing business in New Hampshire until such time as Broadview has complied with all requirements of applicable federal and state law or regulation including but not limited to CLEC certification by this Commission; and it is

FURTHER ORDERED, that Broadview will notify the Commission within ten days of making their first facility-based commercial call in any exchange that has not already been opened to a "Fresh Look@ opportunity as ordered in Docket DE 96-420; and it is

FURTHER ORDERED, that any clause in the Agreement found to be in violation of any Commission order is null and void.

By order of the Public Utilities Commission of New Hampshire this ninth day of August, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Michelle A. Caraway

Assistant Executive Director